

Application No. 09/966,686
Page 6

Amendment
Attorney Docket No. S63.2-7405-US02

REMARKS

This Amendment is in response to the Final Office Action dated August 4, 2003. In the Office Action claims 46, 47, 50, 53-56, 59, 62-64, 67, 70, and 71 were rejected under 35 U.S.C. 102(e) as being anticipated by Verbeek (5,951,540). Claims 48, 49, 57, 65, and 66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeek in view of Langstedt (5,935,476). Claims 51, 52, 58, 60, 61, 68, and 69 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeek. Applicant addresses each of these rejections under paragraph headings which coincide with the paragraph numbering of the Final Office Action.

New claims 72-79 have been added. No new matter has been added.

(2)

In the Final Office Action claims 46, 47, 50, 53-56, 59, 62-64, 67, 70, and 71 were rejected under 35 U.S.C. 102(e) as being anticipated by Verbeek (5,951,540). Independent claims 46, 55, and 63 have been amended. Amended claim 46 recites each of the dies having a longitudinal axis which is tangent to the aperture. In as much as Verbeek has dies with longitudinal axes, the axes are radially directed toward the center of the aperture rather than tangent to the aperture. Thus, Verbeek does not anticipate claim 46 nor claims 47-54 dependent thereof.

Amended claim 55 recites each of the dies having an inward facing straight side which faces the aperture. In contrast, Verbeek has curved portions which face the aperture. Thus, Verbeek does not anticipate claim 55 nor claims 56-62 dependent thereof.

Amended claim 63 recites dies in mechanical communication with an actuator wherein rotary motion of the actuator causes the aperture to increase in size or decrease in size. This feature is also not disclosed in Verbeek. Thus, Verbeek does not anticipate claim 63 nor claims 64-71 dependent thereof.

For the above reasons Applicant respectfully requests that the 102(e) anticipation rejection under Verbeek be withdrawn

Application No. 09/966,686
Page 7

Amendment
Attorney Docket No. S63.2-7405-US02

(4)

Claims 48, 49, 57, 65, and 66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeek in view of Langstedt (5,935,476). As discussed in paragraph 2, Verbeek does not teach all the elements of independent claims 46, 55, and 63, and Langstedt does not teach or suggest any of the missing elements of Verbeek.

For the above stated reason, Applicant believes claims 46, 55, and 63 are not susceptible under 35 U.S.C. 103(a) as being unpatentable over Verbeek in view of Langstedt (5,935,476). Applicant respectfully requests that the obviousness rejection under Verbeek in light of Langstedt be withdrawn.

(5)

Claims 51, 52, 58, 60, 61, 68, and 69 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeek. As discussed in paragraph 2, Verbeek does not teach all the elements of independent claims 46, 55, and 63. Therefore, claims 51, 52, 58, 60, 61, 68, and 69 dependent thereof are not obvious as they are based on allowable independent claims. Withdrawal of the obviousness rejection is requested.

Application No. 09/966,686
Page 8

Amendment
Attorney Docket No. S63.2-7405-US02

CONCLUSION

In view of the foregoing it is believed that the present application, with pending claims 46-79, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: October 6, 2003

By: 

James M. Urzedowski
Attorney Reg. No. 48,596

Suite 2000
6109 Blue Circle Drive
Minnetonka, Minnesota 55343-9185
Telephone No: (952) 563-3000
Facsimile No: (952) 563-3001
f:\wpwork\bcbl\7405us02_and_20030812.doc

RECEIVED
CENTRAL FAX CENTER

OCT 07 2003

OFFICIAL